THE COURTS.

Important Decisions of the United States Supreme Court.

A MILITARY ORDER THAT WAS VOID

What Are Public Lands Under the Act of 1851.

BUSINESS IN THE CITY COURTS.

Thomas Donohue and James Finnell were convicted of larceny by trick and device at the Court of Special Sessions on the 25th ult. and sentenced to the Penitentiary for the term of six months. They were brought before Judge Dykman yesterday in Supreme Court, Chambers, on writs of habeas corpus and certiorari sued out by their counsel. Mr. Edmund E. Price, who contended that the prisoners were not guilty of any offence whatever. Mr. Price asked that a very small amount of bail be taken and the prisoners liberated. After an inspection of the evidence ball was fixed as suggested by counsel in the nominal sum of \$100 each and the prisoners were discharged.

SUMMARY OF LAW CASES.

Quimbo Appo, H. Koslosky, John Wackoffe, Robert Lee, William Charley, William J. Archer and Ah Lung, who were arrested and held on a charge of peddling cigars without a license, were discharged yesterday after two weeks' confinement in Ludlow Street Jail. Frederick Recel, who was arrested by Deputy United States Marshal Bernard on a charge of forging bills of exchange to a large amount in Hanau, Prussia, was sent back to Germany yesterday in charge of the cap-tain of the steamer Frisia, he naving been committed

under the Extradition treaty.
In the suit of the New York Central and Hudson

River Rairroad Company against Elizabeth W. Diei, which was tried some time since in the Superior Court, and reported in the Herake, Judge Speir yesterday, on motion of Mr. Loomis, the counsel for plaintiff, granted an extra allowance of \$549.78.

In the suit for a long time pending in the Supreme Court, in which Thomas F. Mason is plaintiff and William M. Tweed and others defendants, the facts of which have stready appeared in the Herake. Judge Dykman, in Supreme Court, Chambers, yesterday made an order discontinuing the action against John C. Hailagan, one of the defendants, and vacating the notice of its pendens against all the other defendants except James Armstrong.

Armstrong.

Judge Dykman, on application of Mr. William F.

Rowe, granted yesterday an order of arrest against

Daniel Shes, a Washington Market carrier, to answer a

charge of cruelly assaulting Michael Fuchs, a farmer,

of Newtown, L. L. A dispute arose as to the location

of the complainant's wagon. Fuchs is now in the hos
pital, and there are fears of lockjaw. Shea gave ball to

answer the charge.

POLICE COURT NOTES

John Ernest, a French pedler of notions, living at No. 177 Wooster street, was arraigned before Justice Flammer at the Washington Place Police Court yesterday on a charge of burglary. Detective Murphy, of the Eighth precinct, who made the arrest, explained the facts in the case to the Judge. The prisoner had been seen in the house and endeavoring to break into the room occupied by the plaintiff previous to the discov ery of the robbery. Judge Flammer held him in de-

Mary Ann Robertson, aged nineteen years, who said she worked in a restaurant and lived at No. 611 Greenwich street, was arraigned before Justice Flammer at the Washington Place Police Court yesterday on a charge of having feloniously assaulted Catherine Mor-

the Washington Place Police Court yesterday on a charge of having feioniously assaulted Catherine Morgan, of No. 613 Greenwich street, by throwing a razor at her head, injuring her severely. She denied throwing the razor, and chimed that Mrs. Morgan had knocked her down and kicked her. She was held to answer in nominal bail.

On the compaint of Officer Gerner, of the Society for the Prevention of Crueity to Children, Ellen Fox, of No. 59 Baxter street, was held for trial at the Essex Market Court yesterday for compelling her daughter Ellen, aged nine years, to beg along Broadway.

John Coffee, a young ruffian, living at No. 529 West Thirty-second street, was arrested by Detective Gillespie, of the Hudson River Railroad Company, for stealing a patent brake, valued \$50, from one of the company's cars at the depot, corner of Thirtieth street and Tenth avenue. A companion of the prisoner, named Peter Thompson, escaped, and has not yet been arrested. On being arraigned before Justice Flammer, at the Washington Place Police Court yesterday. Coffee was fully committed for trial in default of \$2,000 hall. A newsboy named John Bracken, aged fifteen years, of No. 524 West Twenty-fifth street, was brought up before Justice Flammer, at the Washington Place Court, yesterday, for stealing fifty copies of the Telegram from another newsboy, named John McMahon, of No. 201 West Twenty-fourth street. Was brought up being asked what he had to say on his own behalf, said that he had been robbed of his own papers, and that those he had snatched from McMahon were the same. He was held for trial.

UNITED STATES SUPREME COURT. DECISIONS.

WASHINGTON, Sept. 1, 1876. THE RETURN OF SOUTH CAROLINA TO THE UNION-GEN-

No. 146. Henry H. Raymond, plaintiff in error, vs William M. Thomas-la error to the Supreme Court of the State of South Carolina. - The facts in this case, as disclosed in the record, are somewhat involved and complicated. So far as it is necessary to consider them for the purposes of this opinion they are not

On the 25th of August 1863, Mary Raymond bought from Thomas, the detendant in error, a small house and lot, situated in Greenville, S. C., for which she gave him her note for \$7,000, payable six months after the ratification of peace between the Confederates and the United States, or before, at her option, with anmuch interest from the 1st day of September, 1863. The premises were conveyed at the time of sale, and the grantee gave back a mortgage to secure the payment of the note. On the 25th of May, 1866, Thomas filed his bill in the Court of Common Pleas, of Thomas filed his bill in the Court of Common Ploas, of Greenville county, to forecose the mortgage. The vendee answered. The case was heard in July, 1866, before Chancellor Johnson. The Chancellor held that the note was intended by both parties to be payable in Consederate money, and that, in view of all the circumstances, the amount of principal squitably due upon it was \$2,000. The case was referred to a Masser to compute the aggregate principal and interest due upon this basis. In side or upon the appeal of Thomas was affirmed by the Court of Errors of the State at its December Term, 1867. On the 25th of January, 1868, Chancellor Carrol sitting in the Common Pleas, decreed that the amount due in conformity to the Master's report was \$3,206-62; that miness the sum was paid as directed the Commissioner should sell the premises, and that if the proceeds were insufficient to pay the debt and costs, the complainent might issue execution for the balance. On the 25th of May following General Camby issued an order whereby he annufled this decree. The order contains a slight error in the description of the decree, but the meaning of the order is clear. The discrepancy is, therefore, immaterial. On the 24th of December, 1868, the military order non obstante, the Commissioner reported that he sold the premises for \$1,005. On the 2d of January, 1869, Mary Raymond fined her bill in the Court of Common Pleas, Charleston county, setting forth the facts above stated, and further that the Shorill of that county was about to proceed to collect from her the balance still due upon the decree, amounting to \$2,653-26. She prayed that Thomas and all others be perpetually enjoined from chlorcing the decree. The Court decreed accordingly. Subsequently Gaillard, the purchaser, and Thomas answered, and moved to dissolve the rigination. In July, 1869, this motion was overruled and the injunction again ordered to be made peripetual. An appeal was taken to the State, but failed for want of prosecution. In December, 1870, Thomas obtained Greenville county, to forecose the mertgage. The The amended oil and answer sot forth other things not necessary to be repeated. The case in this new aspect came on to be heard. It was decreed that the saic of the mortgaged premises be confirmed and that the purchaser have a writ of assistance to enable him to obtain possession, and that the complainant have loave to enter up a judgment against the defendant for the balance due him, and therefore and casts as before decreed. Baymond ment against the defendant for the balance due of an and interest and costs as before decreed. Raymond thereupon removed the case by appeal to the Supreme Court of the State, where the judgment was affirmed. It is decided that the State had regularly returned to the Union under the acts providing therefor, and that the order of General Cauby was without warrant of authority. It wholly annulled a degree regularly made

to collectors of internal revenue as salary for their services and that of their deputes, to be paid quarterly. Commissions, in addition, to be paid quarterly. Commissions, in addition to salary, are also allowed to such officers, to be computed upon the amounts by them respectively collected, paid over and accounted for, under the instructions of the Treasury Department, as follows: Three per cent upon the first \$100,000,000, one per cent upon all sums above \$100,000 and not exceeding \$400,000. Such an officer nav also keep and render to the proper officers of the Treasury an account of his necessary and reasonable charges for stationery and blank books used in the performance of his official duties, and for postage actually paid on letters and decuments, received or sent, and exclusively relating to official business, and it the account is approved by the proper accounting officers the Collector is entitled to be paid for the same, but the provision is that no such account shall be approved unless it shall state the date and the particular items of overy such expenditure, and shall be verified by the oath or affirmation of the Collector. Two provises are annexed to those enactments—First, that the salary and commissions of no collector, exclusive of the expouses for rent, stationery, bank books and postage, and pay of Jeputices and clerks, to which such Collector is actually and necessarily subjected in the administration of his office; second, that the Secretary of the Treasury be authorized to make such further allowances. (13 Statutes at Large, 231.) Sufficient appears to show that the principal cefendant was duly appointed Collector of Internal Revenue under the act of Cangress in that case made and provided, and that the boundation of the sun is the official bond given by the appointee for the Institut of Statutes at Large, 231.) Sufficient appears to show that the principal and his suretice, claiming the penanties of the bond. Service was made and the celendants appeared not experience to the control of

deed conveying the land in controversy to the United States was made by the city of Carondelet on the 24m day of October, 1854, and it is not controverted that the authority under which this was done was sufficient. And if this deed be held to be otherwise valid it decides the controversy in favor of the United States. Its validity is denied, however, on the part of the plaintiff, on the ground that it was without consideration, and that it was improperly correct from the authorities of Carondelet by the officers of the government who had charge of the Department of Poblic Lands, by an unjust and illegal exercise of authority in refusing to confirm, and threatening to set aside the survey which we have already mentioned, of the Carondelet commons, and exacting this deed as the condition of their acquiescence in that survey. On the other side, the deed as supported as a just and equitable compromise of a long existing controversy, both as to the correctness of that survey and the right of the government to the ground known as Jefferson Barracks. The origin of the claim of Carondelet was a concession of 6,000 sepents of land adjoining the village, made in 1796 by Zenon Trudeau, Lieutenant Governor of Upper Louisiana. An attempt to give locality to this concession was made by Soulard (who describes himself as a surveyor commissioned by the government), in December, 1797, but the first actual survey was made in 1818, by Elass Roctor, who was deputy under his father, William Rector, Surveyor of Public Lands for the Territories of Himeis and Missouri. The Court of Claims hinds that though the field notes of this survey were filed in the Surveyor's office it was never approved by him. But in the year 1824 Elias T. Langham, Surveyor General at St. Louis, caused J. C. Brown, one of his deputies, to retrace and re-establish the lines of Rector's survey, and when the result of the work was returned to his office he approved the survey and the same was duy lifed in the office of Recorder of Land Titles in Missouri, who the survey in connection with the location of Jefferson Barracks, and the letter having been transmitted to survey in connection with the location of Jefferson larracks, and the letter having been transmatted to the Secretary of War an investigation of the whole ratter was instituted by the Commissioner of Public Lancs. This resulted in an order made in 1841, by Commissioner Whiteomb, to Surveyor General Milburn, oirceting a new survey of these commons, on the principle of reserving 1,702 acres for military purposes at Jefferson Barracks, aniowing 6,000 arpents to Carondelet for her commons, and testoring the balance not covered by private claims to sale as public lands. This order was not carried out, and subsequently a deel was made by the village to the United States of a portion of the land, which was to revert to the village when no longer wanted for military purposes. The government has since been in possession. Afterward the department at Washington having decided that the Rector survey was not valid, and the village, getting uneasy as to its title, proposed to give the government the tee of the barracks (as a compromise) in order to remove a cloud from its title to the balance. This was done in 1854, and the claim now made that the circumstances of the case amounted to duress, and thus villages of the case amounted to duress, and thus villages effected to be valid. Affirmed. Mr. Justice Miller delivered the opinion.

SPANISH LAND GRANTS IN CALIFORNIA—WHAT ARE

spanish Land Grants in California—what are public lands under the Act of 1851?—The Act constructs.

No. 603. G. D. Newhall, appellant, vs. Charles W. Sanger—Appeal from the Gircuit Court for the District of California.—The object of this suit is to determine the ownership of a quarter section of land in California. The object of this suit is to determine the ownership of a quarter section of land in California. The appears, who was the complainant, claims through the Western Pacific Railroad Company, to whom a patient was issued in 1870, in professed compliance with the requirements of the acts of Congres, commonly known as the Pacific Railroad acts. The appellant derives title by mesne conveyance from one Rainsom Dayton, whose patent, of a later date than that issued by the company, recites that the land was within the exterior limits of a Mexican grant, called Moquelamos, and that a patent had by mistake been issued by the company. The Court below decreed that the appellee was the owner in fee simple of the land, and that the patent under which the appellant claimed, so far as it related to the land in controvesy, should be cancelled. The act of July 1, 1862 (12 Stat., 492), grants to certain railroad companies, of which the Western Pacific by subsequent legislation became one, every atternate section of public land designated by odd numbers within ten miles of each side of their respective roads, not soid, reserved or otherwise disposed of by the United States and to which a homestead or pre-emption claim may not have attached at the time the lime of the road is delinitely fixed. It requires that within a prescribed time a map designating the general route of each road shall be field in the Department of the Interior, and that the Secretary thereof shall then cause the lands within a certain distance from such route to be withdrawn from pre-emption, private certy and sale. The precise date of the location of the Western Pacific roud is not stated in the record, but the interior, and that the Secretary thereo The amended bill and answer set forth other things not necessary to be repeated. The case in this new aspect came on to be heard. It was decreed that the case of the mortgaged premises be confirmed and that the purchaser have a writ of assistance to enable him to obtain possession, and that the complainant have leave to enter up a judgment have leave to enter up a judgment have leave to enter up a judgment and costs as before decreed. Raymond thereus and costs as before decreed. Raymond thereus and costs as before decreed. Raymond thereus the case by appeal to the Suprement of the State, where the judgment was affirmed. It is decided that the State had regularly returned to the Union under the acts providing therefor, and that the order of General Camby was without warrant of putnification, and where there was no pretence of any uniform, and where there was no pretence of any uniform, and where there was no pretence of any uniformed. It is was an arbitrary saretch of suthority to no good end that can be imagined. The order was void. The supreme Court decided correctly, Affirmed. Mr. Justice swayne delivered the opinion. Compensation for the District of Minne Governmont.

Compensation for the business of an alleged Mexican or Spanis grant, which was then subjudice, and within the boundaries of an alleged Mexican or Spanis grant, which was then subjudice, and within the meaning of the set of Congress and within the meaning of the set of Congress and within the meaning of the set of Congress and within the meaning of the set of Congress was insued to the railroad company. The uniform and interest and costs as subject of grants of land to aid in constructing works of internal insprovement was fully considered at the presented the case by appeal to the Suprement of Court of the State He held that the complete the was read to the subject of grants of land to aid in constructing works of internal insprovement was fully considered at the presented to company ver. The United States. The well that the case in the fact of

claims, the failure to prosecute further within the time prescribed by the statute rendered it unnecessary to reserve the lands claimed from settlement and appropriation. They then became public lands in the just meaning of that term, and were subject to the disjust meaning of that term, and were subject to the disjust meaning of that term, and were subject to the disjustification conflicting with this construction of that set. As the premises were not public lands at the date of their grant or of their withdrawal, by reason of the claim in question, it follows that they did not pass to the railroad company. Reversed, Mr. Justice Davis delivered the opinion; Justices Field and Strong dissented.

YELLOW FEVER DANGERS.

IMPORTANT LETTER FROM THE PRESIDENT OF THE BROOKLYN BOARD OF HEALTH. OFFICE OF THE BOARD OF HEALTH, BROOKLYN, Sept. 1, 1876.

TO THE EDITOR OF THE HERALD:-A communication from Whitehall, N. Y., in your which upon resulting fatally was removed from this city to Whitehall and there interred, requires a brief statement of the facts in the case as they actually oc-

costed while on a street car by a person who presented a death certificate (see certified copy) filled in due form the verbal statement by the messenger that the body was to be removed at six o'clock P. M. that day. It is understood that I keep blank burtal permits at my private office for emergencies during such times as the public office is closed. I directed the certificate to be jeft on my private desk and the permit to be called for in an hour. This was done.

The following day, the 28th, upon my entering the Health Office I found the doctor who had given the death certificate at the secretary's desk making a report of a case of contagious disease (see certified copy), and, to my surprise, I found it was the case in which I had the previous day (Sunday) granted the burial permit which accompanied the body.

Had the report of contagious disease been presented at the proper time as required by law (see sections 123 and 124 of the sanitary code), or had the certificate of

deata been truthfully made, no permit for removal of the body beyond our local cometeries would have been

caution was immediately taken by distincicting, sulphur famigation of premises, removal beyond the city limits and burning of all carpets, clothing, bedding, &c., that had been used by the patient or exposed to infection.

While I deeply sympathize with the inhabitants of our own city, as well as with the citizens of Whitehall, I cannot feel myself to blame for this occurrence.

The public will see that the burnal permit is given by the Health Board upon the certificate of death as iurnished by the attending physician, the verity of which when made by a registered practitioner, is unquestioned. Its entire ialsity in this case has led to this just indignation, which, however, should be visited upon the person who made the faise certificate and infield to report the case, thereby twice violating the sanitary code which was made for the protection of the public, and not upon the one who innocently granted the burnal permit.

A. OTTERSON, M. D.,

A. OTTERSON, M. D.,

A. OTTERSON, M. D.,
President Board of Health.
I hereby certify that these documents are true copies
of the certificate of death in the office of the Board of
Health of Brooklyn.
FRANCIS H. STUART, M. D., Registrar.

James Hunt; ago, 33 years and 4 months; color, white; married; occupation, engineer; birthpiace. New York State; place of death, No. 71 Cramberry street, First ward; number of families in house, two; what Hoor, first.

I nereby certify that I attended deceased from August 24, 18.0, to decease; that I last saw him alive on the -7th day of August, 1876; that he died or the 27th day of August, 1876; that he died or the 27th day of August, 1876, about twelve o'cleck M., and that the cause of his death was:—

All the above information should be furnished by the [All the above Information Local Physician physician]
Place of hurial, Whitehall, N. Y.; date of burial, August 27, 1876, Undertaxer, James Mccariand; place of business, No. 14 Nassau street.

Signed by JOHN G. JOHNSON, M. D.,
Nedical Attendant.

Address, No. 81 Henry street. [4114.] BROOKLYN, August 28, 1876. [4114.] REPORT OF CONTAGIONS BIRRONS, August 28, 1876.
To the Beard of Heatth, No 66 Court street, Brooklyn:—
Nanco of patient James Hunt; age, 40; residence, No. 71
Cramberry street, First ward; disease, yellow lever; number
of lamilles in house, two; condition of premises, pior.
Signed.
JOHN G. JUHNSON, M. D.
Readdence, No. 81 Henry street.

DARING HIGHWAY ROBBERY.

Early vesterday morning Roundsman Walton, of the Seventeenth precinct, while on patrol through Second avenue saw two men running toward him. He stopped and arrested them. They proved to be George Ryan, alias the "Chicago Chicken," and George Van Dorn, alias Reed, both noted thieves. Almost immediately alias Reed, both noted thieves. Almost immediately after Mr. Samuel Berrow, an aged merchant, residing at No. 59 Sevenith street, came up and mformed Roundsman Waiton that he had been clubbed, knocked down and robbed of his watch by two men, who had escaped. He at once identified Ryan and Van Dorn as the men who had robbed him. On searching the prisoners Mr. Barrow's watch was found in Ryan's pocket, Ryan had in his possession a claspknife with a biade four inches long, and Van Dorn had in his back pants pocket a heavy chony club, with which Mr. Barrow had been assaulted. Both prisoners, on being arraigned before Justice Smith, at the Essex Market Court, were held to answer.

THE MAGGIE BAUER MURDER.

There was a rumor yesterday to the effect that Kate Hoffman, under arrest and confined at the Jamaica Town Hall, on suspicion of murdering little Maggie Bauer, had made a confession, in which she implicated a man named Richard Stilwell, a resident of the neighborhood in which the murder was committed. Stilwell was only recently released from State Prison and is known to have been intimate with Kite. The officers deny that Kate has made any confession, but are inclined to the belief that she had help in the comare inclined to the belief that she had help in the commission of the crime, from facts which have come to
their knowledge since the last sitting of the Coroner's
jury. Kate is kept very closely confined, and no one
is permitted to visit her, not even a Catholic priest.
The testimony of the physicians will be submitted in
writing to the Coroner's jury on Monday. It certifies
that death was caused by strangulation, and that the
accompanying outrage was committed with some blunt
instrument, probably a pronged stick, as indicated by
the character of the lacerations. District Attorney
Downing has been following the case un closely and g has been following the case up closely, it of his investigations will probably be

FATAL ACCIDENTS.

Patrick Lamey, aged thirty-eight, of Brooklyn, while at work on board the steamer Somerset, at pier 18 East River, yesterday morning, accidentally fell Eickhoff was notified.

Margaret Morris, two years old, of No. 261 avenue A, fell down stairs on the 28th ult, and died yesterday A real down cashed to 25th dt., and died yesterday. From her injuries. Coroner Eickhoff will investigate. Thomas McCall, aged thirty, of No. 322 East Thirty-third street, ran a rusty hall into his foot about two weeks ago, and died yesterday of lockjaw.

Coroner Croker yesterday held an inquest in the case of Madeline E. Walson, aged ten years, of No. 353 West Fitty-third street, who was run over and killed on the 30th uit. A verdict of accidental death was rendered.

John Martin, aged fifty six, died yesterday at the Presbyterian Hospital from injuries received some days previously by a lager open keg falling upon his head. Coroner Ellinger yesterday held an inquest in the

case of Margaret Holstein, aged nine years, of No. 250
East Second street, who was run over and killed on
the 21st uit, by a horse car. A verdict of accidental the rist into by a norse car. A retain to a death was rendered.

Mary Luqueer, aged eighty-three years, of No. 32
West Forty-ninth street, while alone in her room
Thursday afternoon accidentally set fire to her clothes
from a lighted candle and was so badly burned that she
died yesterday. Coroner Croker will take charge of
the case.

CENSURING THE POLICE.

Coroner Croker held an inquest yesterday morning in the case of Frederick Schweitzer, aged eighteen, of No. 448 West Fifty-third street, who was accidentally shot by Peter Mimmer on the 27th ult. The jury brought in a verdict of accidental death, and also censured the police for not notifying the Coroner, so hat an ante-mortem examination could be taken, and or not arresting the man who killed the deceased.

THE RIVER'S DEAD. The body of an unknown boy was found growned

vesterday morning at pier 21 East River, Deceased was about fourteen years old, four feet nine inches high, had black hair, light complexion and wore white shirt dark gray pants, no vest or coat, dark striped sus-penders and laced shoes. The body, which had been in the water a long time, was much decomposed. Coroner Eickhoff took charge of the case.

EXCISE STATISTICS.

During the month of August the Board of Excise granted 1,248 licences, receiving for the same the sum of \$63,687 25. The total number of licences granted since the 1st of May, when the present Board wont in power, is 3,930. The total receipts since that period are \$182,874.

DEATH OF AN OLD OFFICER.

Patrolman Daniel D. Sutton, of the Sanitary Company, died yesterday of paralysis. The deceased was one of the oldest officers on the force and bore an BROOKLYN NAVY YARD.

VICE ADMIBAL ROWAN RELIEVED FROM COM-

MAND BY COMMODORE NICHOLSON. Brooklyn Navy Yard, where, in accordance with the command of the Department at Washington, Vice Admiral Stephen C. Rowan was relieved by Commodore J. W. A. Nicholson. Admiral Rowan, who bas been Commandant of the yard since August, 1872, has been on leave of absence for several months and Captain C. W. Temple, the acting Commandant and executive officer, received Commodore Nicholson. Shortly after ten o'clock a piatoon of marines, under command of Lieutenant Robinson, formed in line on the main road-way leading from the York street entrance, in front of the Lyceum. The heads of departments and obsers of the receiving ship Colorado were also in line. At half-past ten the commands "attention" and "carry arms" were given, and the band struck up "Hail to the Chief!" which events signatized the approach of the Commodore. The new Commandant was received by Captain Temple, and the marines presented arms, a salute which he acknowledged. Entering the Lyceum the relieving officer was presented to all the officers of the yard. From the gun deck of the frigate Colorado a salve of fifteen guns was fired. At the same time the casign of the Colorado was dipped. The flag of Commodore Nicuolson was then hoisted on the Colorado, the crow cheered, and the Minnesota dipped her ensign and fired a salute of eleven guns in honor of the new Commandant of the station. The officers repaired to the office of the Commandant, where they passed an hour in friendly conversation, and Secretary Martin was introduced to the retiring Secretary, Mr. Yardley. A tour of the various departments of the yard was then made, and the workings of each bureau were explained. Commodore Nicholson, who is a native of Massachusetts, sutered the navy from the State of New York February 10, 1838, and is now in his fifty-second year. He has seen twenty-one years and seven months' shore duty and six years and nine months on leave or waiting orders. In the rebellion he distinguished himself at Port Royal and Mobile Bay. Subsequently he had charge of the Department of Navigation on this station up to 1813. November 8, 1873, he was commissioned as commodore, and has recently been a member of the Examining and Retiring Borru at Washington.

Vice Admiral Rowan, whose administration of affairs on this station won for him respect and admiration among the people with whom he came in contact, is ten o'clock a platoon of marines, under command o Lieutenant Robinson, formed in line on the main road-

FIGHT ON THE WILLIAM COOK.

BRUTAL MATE-THE CREW CLUBBED INTO ORDER BY THE POLICE. conlight excursion of the steam

Cook on Thursday evening there were about 600 passengers, a large number of whom were from Brooklyn. The William Cook is one of a regular line of boats, consisting, besides herself, of the Americus and Neversink, that ply between this city and Rockaway beach. The fare for the round trip is fifty cents and the tickets are good on any steamer of the line. Many persons on Thursday morning went to Rockaway intending to remain all day and return on the Cook late in the even-ing. Tickets for the "moonlight excursion" were sold at the same rates as for regular trips and employes of

THE PARKVILLE CALAMITY.

CONDITION OF THE WOUNDED-FUNERAL OF MRS. NICHOLS-ARREST OF THE RECKLESS

pleasurists who were thrown from the farm wagon driven by a drunken driver named Moses McMontele was yesterday reported by the physician in attendance to be in a very critical condition, his injury being mor serious than was at first supposed. His skull is fracmuch vitality with which to combat the great shock to his system. Mrs Forker, wife of the latter, is also in a precarious condition, having sustained severe interna-injuries. Mrs. Miller, Mr. and Mrs. Dunne, Misses Beil and Reed are suffering from the effects of precarious condition, having sustained severe internation injuries. Mrs. Miller, Mr. and Mrs. Dunne, Misses Beil and Reed are suffering from the effects of their injuries. The funeral of Mrs. Nichols, the young woman who was killed by the overturning of the wagon, will take place this afternoon from the Parkville Methodist Church, of which deceased was a member. The pastor, who was among the excursionists—Rev. Mr. Ashton—with officiate upon the metancholy occasion. The husband of Mrs. Nichols is recovering from his injuries slowly. A warrant was placed in the hands of Constable Rock, of Parkville, by Coroner Simms on Thursday last for the arrest of Moses McMonigle, the reckless inebriated driver, whose rash act has been the cause of so much misery, but as it was ascertained by the Coroner yesterday that Rock had not executed the warrant, a conference was held with District Attorney Snell, the result of which was that the warrant was given to a special officer. McMonigle, who bears a good reputation in his neighborhood, will be arrested and locked up at Raymond Street Jail to await the action of the coroner's jury.

THE STABLE GANG AGAIN.

ONE OF THE RINGLEADERS CHARGED WITH AT-

TEMPTING TO SHOOT AN OFFICER. For some time past the residents in the neighbor hood of Greenwich and Rector streets have been conto the police and the public generally as the "stable gang," who usually congregate on the corner of Rector and Washington streets, and other corners in that vicin ity, disturbing, by their drunken orgies, all respectable citizens living in the adjacent streets. On Thursday night Officer John M. Jordan, of the Twenty-seventh precinct, while patrolling his post along Washington street, noticed about a dozen of the secondaria, none of whom is over twenty-three years of age, standing at the corner of Rector street, engaged in a conversation that was evidently exceedingly interesting. Suspecting from the past record of the gang that the subject of their conference boded no good, he endoavered to disperse them, when William Waish, alias Thomas McCarthy, aged nineteen, who appeared to be the ringleader of the party, presented a revolver at his breast and threatened to "fix" him. A blow from the officer's club reided the would-be marderer to the ground, when his revolver was taken from him and he was marched to the station house. On being arraigned before Justice Kasmiro in the Tombs Folice Court yesterday he denied the charge, but was held for trial in default of \$2,000 bail. Thomas Ryan and Daniel Maloney, two other members of the gang, were sent to the Island for six months each in default of \$500 bail. ity, disturbing, by their drunken orgics, all respectable

BUSINESS TROUBLES.

The proprietor of the Stacy House, Nos. 760 and 762 in voluntary bankruptcy. His insolvent schedule shows his liabilities to amount to about \$76,000. Charles T. Pegg. the former proprietor of the Win-chester Hotel, has also filed a voluntary petition in bankruptcy. His liabilities are about \$27,000.

FIRES IN BAOOKLYN.

According to the report of Fire Marshal Kendy, abmitted to the Board of Police and Excise Commis sioners yesterday, there were thirty-three fires in Brooklyn last month. The loss on buildings and their contents was \$22,508. The insurance amounted to \$57,600. Among the causes assigned for the fires are an explosious of kerosene oil lamps.

DEATH FROM THE HEAT.

Michael Aiken, aged thirty, of No. 66 Mott street, was prostrated by the next yesterday at the corner of Mott and Bayard streets. He was removed to the New York Hospital, where he shortly afterward died. THE SICK CHILDREN'S FUND.

Among the various reliefs extended to the poor in this city, through the instrumentality of the Children's Aid Society, perhaps none is more beneficent, certainly none more charitable, than that known as the Sick Children's Fund. This charity is carried on exclusively by funds donated by the public for that purpose, and under the excellent management of Superin tendent Calder are wisely expended to promote the best good among the destitute poor of New York. In spite of the so-called hard times the funds this summer have come in more liberally than ever before. Perhaps the excessive mortality among the childre:—which, during three weeks of July, covered 1,000 a week—excited the sympathies of the charitable to greater activity. Be that as it may, over \$2,000 have been received thus far, and fully that amount has been expended for the bene fit of the sick and needy. During the past two months 766 different families have been helped, and it is not infrequent that two three of the children in each family require medical attendance. This special contingency is provided for by a corps of nine physicians who are employed to visit the sick and prescribe for them as their cases may require. Those physicians have made an aggre-gate of 2.550 professional visits to the sick children at

attendance. This special contingency is provided for by a corps of nine physicians who are employed to visit the sick and prescribe for them as their cases may require. Those physicians have made an aggregate of 2,550 professional visits to the sick children at their homes, and by their returns only about six per cent of every hundred have died. Nourishing food during sickness or convaicescence is also turnished. The following table will give an idea of what articles of food have been needed and supplied.—750 cans beefectract, 1,300 cans condensed milk, 900 packaces of farina, 500 pounds of homen, 55 bags of crushed wheat, 1,500 pounds of barley, 1,000 pounds of inception of the series of the seri

season, besides 8,000 bouquets of flowers.

The flowers in the conservatory and garden cover nearly all species. There are begonias, bletias, bouvardus, cobias, cissus vines, oppropedias, claradendrons, geraniums, poincettes, &c., besides a large quantity of

geraniums, poincettea, &c., besides a large quantity of the more common specimens.

No better, nobler use can flowers be put to than to brighten and to giadden the dingy homes of the poor, that might otherwise be cheerless, and nowhere does a flower look more beautiful and appropriate than in the hands of a poor sick child, whose weary heart is com-forted by its sweet presence.

It is to be hoped that a charity so needed will receive the prompt and continued support of those who have it in their power to testow.

BETH ELOHIM.

DEDICATION OF A JEWISH SYNAGOGUE IN

BROOKLYN. Yesterday afternoon the new Jewish Synagogue Both Elohim, on Keap street, near Division avenue, Brooklyn, E. D., was formally dedicated in the presence of a large assemblage. The congregation was founded about fifteen years ago and worshipped in a building on South First street, near Eighth. One year ago the foundation of the new collect was laid. The structure, which is of the modern Gothic style, is 100x54 and is built of Philadelphia brick and Dorchoster stone trimmings. It has a tower 12 feet square and 82 feet in height. There are two vestibules, 10 feet wide. The auditorium is 50 feet wide and 75 feet in length. A gallery extends on three sides of the building. The outer hall is paved with mesaic and the interior of the edifice is carpeted with red Brussels. The walls and ceiling are covered with fresco paritings. The ceiling is arched. The wood work is of black wainut and chestaut, and the altar is handsomely carved. The organ is a fine instrument, costing \$4,000. Beneath the synagogue is a basement in which a school will be held. The cost of the building was \$55,000.

At three o'clock the temple was opened, and the procession of rabbis and members of the congregation entered, the choir singing a hymn, under the direction of Professor Fribech, the organist. The bearers of the Thora, the scrolls of the Heirew law headed the profounded about fifteen years ago and worshipped in a rhora, the screws of the nearest waw, headed the pro-cession, which paused in front of the altar and pre-sented the laws to Rabbi Isaac Schwab. The key o the Temple was then presented to Moses Ressel, press-dent of the synagogue (the well known city contractor) The dedication sermon was preached by Rabbi & Gothiel, of the Temple Emanuel, of New York.

REAL ESTATE.

At the Exchange Salesroom yesterday the following sales were effected :-

Richard V. Harnett sold by order of the Supreme Court, in foreclosure, J. Grant Sinclair, referce, a plot of land, 225x115, on Helen street, southwest corner of Morris place, Morrisania (Twenty-third ward), to Ellis

Sugden, plaintiff, for \$8,900.

Howard W. Coates sold by order of the Supreme Court, in foreclosure, A. H. Hough, referee, one lot, 25x109, 10x113.7, on Kingsbridge road, east side, known as lot No. 81 on a map of land belonging to Robert Bogardus, to Robert A. Greacen, for \$1,360.

J. Thomas Stearns sold by order of the Supreme Court, in foreclosure, W. H. Ricketts, referee, a plot of land, 55x112x55x250, on Old Boston road, south side, 175 leet east of Grove street, Morrisania (Twenty-third ward), to Barbara Keller for \$1,000.

E. A. Lawrence A. Co., soid by order of the Supremo Court, in foreclosure, B. C. Cheetwood, referee, a house with lot, 25x102.2, on East Eighty-second street, south side, 250 feet east of Second avenue, to J. H. Dean for \$4,700.

Hugh N. Camp sold by order of the Supreme Court, in foreclosure, Mr. Winslow, referee, a three story brick house on the south side of Eighty-third atreet, 271.2 feet east of Third avenue, to Cuarlotte Evers, plaintiff, for \$4,000. Court, in foreclosure, A. B. Hough, referee, one lot,

27,000

3d av., s. w. corner 3cth st., 10.3x76x stregular; same to B. Edwards.

Broadway, n. w. corner 56th st., 25.5x91.0/5; W. Fitz pattrick and wife to A. C. Davis 44th st., n. s., 245 ft. e. of 6th av., 50x100; G. Hoffman and said wife to H. t. Curtis.

44th st., n. s., 217.0 ft. e. of 6th av., 27.6x100; some to same.

184th st., n. s., 100 ft. w. of 6th av., 4.x90.11; J. P. Lestrale to I. Wilkie.

Bailroad av. s. corner 5th st., 224d ward), 64.5x298; R. D. Mctiraw to J. H. Ingersoil.

61st st. s., 100 ft. w. of Lexington av., 18x100.5; Thomas J. McKee and wife to r. Edwards.

Grant st. n. s. 40 ft. e. of Lewisst, 20x10; Moses May and others to P. W. Ledonx.

Av. A. w. 5.0 ft. n. of 75th st., 25x75; J. Norton to Thomas Kelly.

16th st. s., 17.76ft, e. of av. A. 25x103.3; J. T. McGowen (referee) to S. P. Forrest. Gowen referee; to S. P. Forrest.
Sch at, n. s. 224 it. w. of 2d av., 28x114.10; M. Leyne referee to J. Hechster
Helen st., s. w. corner of Murris place, 115x225 (24th ward); J. G. Sinclair to E. sugden.
Sch st., s. s., 271.2 n. e. of 3d av., 17x100; M. Winslow to C. Evers.

Softwards.

Barnestorf, L. and wife, to lifetry Olsen, s. s. of 37th st. w. of 2d av.; 3 years 8,500

st. w. of 22 av.; 3 years Curtis, H. G., to G. hodman, n. s. of 44th st., e. of 6th av.; 3 years Stane, to same, n. s. of 4th av.; 3 years Finn, Morris and wite, to Nyer Finn, Greene st. tone-Finn, Morra and wife, to Myer Finn, Greene st. (one-haif part); 3 years. Same to A. Hershfield, Greene st., w. s.; 1 year. Forrest, Narah P. and insband, to H. A. Begert, s. s. of 10th st., e. of av. A.; 3 years. Hedg. s. C. A., to A. Dickinson, u. s. of Water s.; 1 year. Beussier, Frederick, to German Savings Bank, c. s. 7.000 yea

Houseier, Frederick, to German Savings Bank, e. s. of 3d av. and sed st., I year.

Hamilton, John L. and wife, to J. B. Hillier, s. s. of 27th st. e. of 9th av. I year.

Jents, Frederick F., to A. Rebholz, n. s. of 8th st., e. of 9th av. 5 years.

Same, to tiecrge Scharf, n. s. of 38th st., between 8th and 9th av. 5 years. 4.000 2,500 Same, to treerge Scharf, n. s. of 38th 8t, between 8th and 19th avs. 5 years.
Journeay, Albert and wife, to Episcopal Fund, w. s. of South 5th av, s. of tioustori st. 3 years.
Lomas, Robert, to R. L. Anderton, Madison av. (24th ward: 1 year.
Lestrade, J. P. and wife, to K. Hugadorn, s. s. 134th Muller, Charres and wife, to A. Langer, e.s. Columbia at, s. of flowston; 5 years.

Mernture, Parri, k and wife, to L. J. Carpenter, s. a. 423 st., w. of 10th av. 1 year.

Matherbe, C. N. and busband, to William Vonck (executor), c. s. Willis av., s. of 136th at. (23d ward); 5 years. 603

1,000

TOOMBS, STEPHENS AND WEED.

A LETTER FROM AN OLD VIRGINIA EDITOR. [From the Cincinnati Times, August 30.]

PORTRMOUTH, Ohio, Argust 28, 1876.
In your paper of Tuesday last 1 find in extract from letter of the venerable Thurlow Weed to the NEW YORK HERALD, relative to an angry interview between Messra Stephens and Toombs and General Taylor, in 1850, and the letter of Hon. H. Hamlin, of Maine, sustaining Mr. Weed in his assertion. Of that special interview I, of course, know nothing, but of events bear ing upon the matters dwelt upon by Mr. Weed I think a statement might be of interest now, and what I know of them sustains his views of the status of the South

From 1835 to 1855 I was the editor and publishe the Wheeling (Va.) Daily Times. All from East to West, and many from South to North, were compe to go by boat through there, and often remained a half day or day. I had a large, free reading room, where I did all my writing and had all the dailies on file. may judge how attractive that was to men who had travelled for days without news. It gave me an intimate acquaintance with the views of the most of our prominent men. I was the earliest and ardent supporter of General Taylor, knowing that, though a siave-holder, he was opposed to the extension of slavery. In August, 1848, Dr. Scott, of Louisiana, visited Whoeling, and my room daily during his stay. One day I said: "Doctor, do you think General Taylor an honest man?"

"Poctor, do you think General Taylor an honest man?"

"A more honest man never lived," was his reply.

"Do you think him competent for President?"

"None more so. He is a close reader and clear thinker."

"May I ask, then, why you consont to be an elector for General Cass, in your State, General Taylor being your near neighbor and personal iriend?"

He replied in words that have been indelibly impressed on my memory:—
"General Taylor, although a large slaveholder, is opposed to the institution, and especially to its extension. I am in favor of it, and I know Mr. Cass will submit to it, while General Taylor never will, for he is very stubborn. There is another reason, If General Taylor is elected and lives to get to Washington, he will surely die whenever he refuses to sanction any measures the South may propose, and I do not wish to lose a personal friend."

die whenever he refuses to sanction any measures the South may propose, and I do not wish to lose a personal friend."

I was not so much surprised at this as I should have been, had i not been satisfied, from other circumstances, that General Harrison had been poisoned through the agency of Southern democrats because he would sign a United States Bank bill that would affect State rights, and Tyler would not one that would operate per z. I said:—

"Doctor, I never publish a private conversation without the consent of parties. Have you objections to my publishing this?"

"None at all. But I think here in Virginia it will do you more harm than good,"
I wrote it out, read it to him and he said it was correct; published it, and noticed it was much copied is the North.

In 1850, about the time of which Mr. Weed speaks, I was in Washington and heard much violent language from Southern members. On the day that General Tayler issued his first special message in opposition, as I think, to the fugitive slave part of the "Omnibus bill," I was in the room of Hon, R. W. Thompson, of Indiana. There were several members present, who did not attach much importance to it as calculated to disrupt the whig party. When some had lett I expressed to Mr. Thompson a different opinion, and, I believe, related the above conversation. You know the Omnibus bill was defeated, and the several measures passed separately. Before the Fugitive Slave law was passed General Taylor died, and Mr. Filimore signed it. The prediction of Dr. Scott was verified.

It was well understood by those familiar at Washington that Mr. Mason, of Virginia, as a delegate from Southern fire-caters, forced that law upon Mr. Clay as a necessity to preserve the Union. All I knew about it is this:—In 1851 Mr. Clay passed through wheeling, and I saw him for the last time. Going down the wharf he stopped and said:—

"I see by your paper you do not like the Fugitive Slave law."

I replied:—"I do not, but regard it as very oppressive and unconstitutional."

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I replied:—"I do not, but regard it as very oppressive and unconstitutional."

He said, very earnestly, "So do I; but what can I do? When preparing the Omnibus bill Mr. Mason brought me that bill, word for word as it stands, and asked me to read it, and he would call next morning. He called, and I told him the bill was clearly unconstitutional. He replied, 'I know it; but we of the South have determined to divide this Union. Take up that bill and pass it word for word, and the North will be compelled to rebel. If you do not we will. That is our ultimatum.' I had confidence that the North would preserve the Union. I had none in the South; and as my life has been mainly given to that purpose I accepted it."

cepted it."

The North did bear it, the Kansas-Nebraska bill and the muricers of Kansas, while the South would not bear the success of a party who were pledged not to interiere with one of their rights.

J. E. WHARTON.

CAVALRY TO THE FRONT.

RECEUITS SLOWLY COMING IN-HOMESTEADS FOR FIVE YEARS' SERVICE.

Steady progress is being made in recruitment of men or the cavalry service, at the headquarters in Hudson street, near Laight. Dr. Norton daily makes examination of a number of men, the majority of whom he is compelled to reject. The headquarters in Hudson street are large and roomy, and all the regulations and discipline of a military post are here enforced, drills. guard mounting and roll calls. Besides the recruiting going on here it is also a rendezvous for all recruits enlisted in Boston, Baltimore and Brooklyn for the cavalry branch of the service. Ninety-nine recruits have been obtained in Hudson street since the disaster has occurred to Custer. There is a large kitchen on the premises, and the recruits get good thick soup, some of which was inspected by the Herath reporter; rosat and boiled meats, and each good thick soup, some of which was inspected by the Herald reporter; roast and boiled meats, and each man receives also a loaf of bread per day—excellent bread it is—in three ration portions. Two sets of woollen drawers, undershirts and two pairs of woollen socks are issued to each recruit; a haversack of improved make, a blue, heavily lined undress flannel blouse, a large, thick, dark gray blanket and a blue kept, or fatigue cap, of as good quality as those lormerly worn by officers in the service of the Union. After the recruit arrives at St. Louis he receives a full dress helmet of stiff cloth and a full dress coat of a very nobby lashion. The shoes given to recruits are owarranted to last, and the rig, generally speaking, is devoid of the old shoddy material that caused so much suffering during the war. The cavairy service, although an active life, is yet a good one for hardening and discipling me men, and as there is nebuty of hunting and a fror and easy life on the frontier, it has its charms despite the dreams: that will come to a young recruit's pillow. The total amount of money received by the cavairy man who serves five years is \$852 and he is also entitled at the expiration of his term of service to 160 acrea of land as a homestead, whereas an ordinary civilina citizen would have to reside for five years in the neighborhood of a proposed homestead before he could establish a title. So that the cavairy has its advantages as well as it hardships.

OYSTERS.

PROSPECTS OF THE FALL AND WINTER TRADE-NEW YORK WATERS THE EXCELSION PRODUCT ING GROUNDS-THE VIRGINIA SUPPLY. The arrival of September will be welcome to that

arge constituency who esteem the oyster.

may be the truth of the general impression that during four months of the year-beginning with May and ending with August—oyziers are not healthiul or palatable there is no doubt that in the fail, winter and spring the bivalves are in their best condition. The demand and consumption, which has been quite small during the past six or seven weeks, principally owing to the extreme hot weather, will now assume large proportions and afford employment large class of men who supply metropolis. Several hundred boats, each from five te thirty tons burden, are engaged in the trade. During the busy season the greater portion make daily trips and easily dispose of their cargoes. It is estimated that the aggregate yearly transactions in oysters in towns in New Jorsey are supplied by New York. There are two wholesale markets-one on the case

of West Tenth street. At these points the hotels, resof West Tenth street. At these points the hotels, restaurants and hundreds of saloons effect their purchases and shipments are made to distant placea. Boats sometimes lie off Fulton and Catharine streets and other wharves. They sell in quantities to suit sustomers, and the scenes around these craft, especially on Sunday morning, are generally of a mixed and lively enaracter. Virginia, during the summer, supplies New York with many thousand bushels of oysters, but they lail far beaind in quality and flavor to the domestic commodity. The Virginia mollusks are used for cooking; the home article is caten off ine shell. It is conceiled that the North River, Staten Island and Rockaway oysters are about the best in the world. The English have recently taken to importing them for planting purposes, their domestic production having greatly islen of in quantity and quality. As in all other matters of commerce prices vary in the oyster business according to supply and demand, and size according to the size, flavor, &c., of the commodity itself. As a rule, no matter how wholesale rates may fluctuate, the charge to the actual consumer rarely rises or falls. To all concerned it is understood the traffic is profitable, though for those extensively engaged it requires the investment of much capital and considerable outlay for labor.

In conversation with accoral wholesale dealers a reporter of the Haralle learned that the oysters now coming into market are of a very superior description. Great pains have been indictiously selected, and the weather, plenty of rain and warm days, has been quite avorable to maturing the nivalves to please the paintes of the affluent, as well as to tage nich as the property of the strain and the plants have been understood the rains a point of the strain and the reaction with accoral wholesale dealers a reporter of the Haralle learned that the oysters now coming into market are of a very superior description. taurants and hundreds of saloons effect their purchases 7.000

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